

February 11, 2003

To: Supervisor Yvonne Brathwaite Burke, Chair  
Supervisor Gloria Molina  
Supervisor Zev Yaroslavsky  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: David E. Janssen  
Chief Administrative Officer

**MOTION TO SUPPORT AB 83 (CORBETT) AND SB 50 (SHER) -- BOTTLED WATER REGULATORY PROGRAM (ITEM NO. 11, AGENDA OF FEBRUARY 11, 2003)**

Item No. 11 on the February 11, 2003 agenda is a motion by Supervisor Antonovich to send a five-signature letter to Governor Davis and members of the State Legislature in support of AB 83 (Corbett) and SB 50 (Sher).

As introduced on January 6, 2003, AB 83 would require each water bottler, water vendor, water hauler, and retail water facility to provide an annual consumer confidence report to its customers, similar to those which existing law requires from every public water system. The facilities would be subject to annual, unannounced inspections by the State Department of Health Services. The measure would also require them to reimburse the Department for inspection and enforcement costs.

As introduced on January 9, 2003, SB 50 expresses the intent of the Legislature to enact legislation similar to existing law regarding public water systems to apply to bottled water and vended water products. The measure would include annual consumer confidence reports, annual inspections, and assessment of annual fees to fund a bottled water regulatory program administered by the State Department of Health Services.

**The County Department of Health Services (DHS) recommends that the County support both AB 83 and SB 50 because they would help ensure the safety of bottled drinking water, and we concur. Support for AB 83 and SB 50 is consistent with existing County policy to support measures which protect and improve drinking water supplies.**

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**Additionally, DHS recommends that the County seek an amendment to AB 83 to specify the method of distribution for consumer confidence reports, and we concur.** Because the bill does not specify how a consumer confidence report will be provided to customers who purchase water at a retail market, vending machine, or retail water facility, DHS recommends an amendment to specify a method of distribution, such as posting the report on vending machines or at retail water facilities, or providing information on the bottle label indicating that reports are available on the internet or at a specific address.

Both AB 83 and SB 50 are sponsored by the National Resources Defense Council and the East Bay Municipal Utility District. AB 83 is also sponsored by Clean Water Action. According to the authors' offices, there is no registered support or opposition on either bill and they have not been set for hearing.

DEJ:GK  
MAL:MS: ib

c:     Executive Officer, Board of Supervisors  
        County Counsel  
        Department of Health Services